




FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463


04L-13


October 15, 2004

MEMORANDUM

TO: LAWRENCE H. NORTON  
GENERAL COUNSEL

THROUGH: JAMES A. PEHRKON   
STAFF DIRECTOR

ROBERT J. COSTA   
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON   
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF VIRGINIA FOXX FOR CONGRESS

The Reports Analysis Division is referring Virginia Foxx for Congress ("the Committee") for amending its 2004 12 Day Pre-Primary Report to disclose additional disbursements totaling \$135,000.00, a 69% increase over the financial activity reported in their original 2004 12 Day Pre-Primary Report. According to the 2003-2004 RAD Review and Referral Procedures for Authorized Committees this matter requires further examination by your office.

The Committee is the Principle Campaign Committee for Virginia Foxx, a Republican candidate in the 2003-2004 Election Cycle for North Carolina's Fifth (5<sup>th</sup>) Congressional District, which is an open seat. The candidate won the August 17, 2004 Primary Runoff election, receiving fifty-five percent (55%) of the vote.

Copies of any reports or letters either filed by the Committee or sent by the Reports Analysis Division, and referenced in this referral are available for your review on the FEC Imaging System or the web site.

If you have any questions regarding this referral, please contact Alan Shook at 694-1167.

Attachments

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REPORTS ANALYSIS REFERRAL

04L-13

DATE: October 15, 2004

ANALYST: Alan Shook

- I. COMMITTEE: Virginia Foxx for Congress  
C00386748  
Carolyn Aldridge, Treasurer  
11468 Highway 105  
Banner Elk, NC 28604
- II. RELEVANT STATUTE: 11 CFR § 104.3  
11 CFR § 104.3(b)(2),  
11 CFR § 104.3(b)(2)(i),  
2 U.S.C. § 434(b), 2 U.S.C. § 434(b)(4)
- III. BACKGROUND:

Failure to Disclose All Financial Activity

Virginia Foxx for Congress ("the Committee") amended its 2004 12 Day Pre-Primary Report disclosing additional disbursements totaling \$135,000.00, an increase over the financial activity reported in their original 2004 12 Day Pre-Primary Report (See Attachment 2).

On July 8, 2004, the Committee filed the 2004 12 Day Pre-Primary Report (Microfilm #24961738417). The report disclosed total disbursements of \$195,353.59.

On July 13, 2004, the Committee filed an Amended 2004 12 Day Pre-Primary Report (Microfilm #24971314765). The report disclosed total disbursements of \$330,353.59. This amount was \$135,000.00 greater than the amount reported on the original 12 Day Pre-Primary Report, representing a 69% increase in disbursements.

On August 3, 2004, the Reports Analysis Division (RAD) sent a Request for Additional Information (RFAI) to the Committee referencing the Amended 12 Day Pre-Primary Report (Microfilm #24038490162). The RFAI requested that the Committee clarify why the additional disbursement activity was not disclosed within the original filing.

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On August 12, 2004, the Committee filed a second Amended 2004 12 Day Pre-Primary Report (Microfilm #24962086876). The amended report added a memo text entry to a \$135,000.00 disbursement (Image 24962086918), which was listed on a Schedule B supporting line 17. The memo text stated that "[t]his transaction on [sic] left off the original report by mistake" (Image 24962086960).

On September 23, 2004, the Committee filed a third Amended 2004 12 Day Pre-Primary Report (Microfilm #24971582608). The amended report still disclosed receipts of \$330,353.59, and no changes or statements related to the increased activity were highlighted.

To date, no further communication has been received from the committee regarding the aforementioned discrepancy.

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Attachment 2

C00386748 – Virginia Foxx for Congress – Disbursement Overview

Line	Original 12 Day Pre-Primary Report filed on July 8, 2004	Amended 12 Day Pre-Primary Report filed on July 13, 2004
Line 7(a) Total Operating Expenditures	\$195,251.84	\$330,251.84
Line 7(c) Net Operating Expenditures	\$195,149.54	\$330,149.54
Line 17 Operating Expenditures	\$195,251.84	\$330,251.84
Line 22 Total Disbursements	\$195,353.59	\$330,353.59

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